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C O N F I D E N T I A L SECTION 01 OF 02 SHANGHAI 000155

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TAGS: [PHUM](#) [PINR](#) [KJUS](#) [CH](#)
SUBJECT: SHANGHAI LEGAL EXPERTS ON LUO GAN SPEECH

REF: BEIJING 1103

CLASSIFIED BY: Mary Tarnowka , Section Chief, Political/Economic
Section, U.S. Consulate Shanghai.
REASON: 1.4 (b), (d)

¶1. (C) Summary: Three of Shanghai legal experts said they were not surprised by Politburo Standing Committee member Luo Gan's abrasive rule of law speech published in a Party journal on February 2 (reftel). In the speech, Luo talked about the need to guard against "unfavorable" Western influences. The experts said that Luo and the Chinese Communist Party (CCP) had always had a conservative attitude towards judicial independence and there was nothing new about the tone of the speech. They did not foresee any changes to judicial independence and international cooperation, since the CCP controlled the courts and there was currently not a lot of judicial independence. Two of the experts said the speech was actually an improvement since it mentioned the importance of equality, justice and fair criminal trials. One expert was less positive and noted that Luo's comments indicated that the government intended to maintain tight control over the legal system for the foreseeable future. End Summary.

Nothing New

¶2. (SBU) CCP Politburo Standing Committee Member Luo Gan delivered a speech on rule of law at a national conference on November 27, 2006. The speech was published in the CCP Central Committee's official journal, "Seeking Truth," on February 2. While the speech focused on ways judicial organs (courts, procuracy, and public security organs) could help in building a "harmonious society," Luo also talked about the need to guard against "unfavorable" influences from the West. (Reftel)

¶3. (C) FSN Rule of Law Coordinator (ROLC) met with China Civil Litigation Society Vice President Zhang Wusheng and China Civil Litigation Society Vice President Xie Youping in separate meetings on February 13. Like legal experts in Beijing (reftel), Zhang and Xie were not surprised by Luo's remarks on the need to block the influence of "foreign forces" on China's legal system. Zhang said Luo was known for his conservative views and the speech's harsh tone was nothing new. Xie had a

similar view to Zhang and noted that the speech did not deviate from the CCP's usual tone. Other Chinese leaders had made similar comments. For example, Han Shubing, currently the Chairman of the China Law Society and former President of the Supreme People's Procuratorate, recently gave a speech that called for being cautious towards foreign forces, which were westernizing and dividing the country. While these types of statements were nothing new to Chinese academics, Xie said it was rare for them to be published in such a high-level magazine as "Seeking Truth."

No Change in Policy

14. (C) Xie did not expect that the speech would have a negative impact on judicial independence and international cooperation. He said that the CCP already had a negative attitude towards cooperation. In addition, there was not currently much judicial independence, since the courts were completely controlled by the CCP. China Constitutional Law Society Vice President Tong Zhiwei had a similar view during a meeting with ROLC on February 16. Tong said he had read Luo's speech carefully and thought that it was an attempt to apply President Hu Jintao's "harmonious society" concept to the judicial system. He did not foresee any policy changes, although slogans such as "harmonious courts" and "harmonious police" would probably start appearing throughout China soon. He also did not expect that there would be any new policy to restrict international cooperation. He noted, however, that there might be occasional incidents in which cooperation was restricted. For example, Luo Gan used to frequently visit a court in Chengde, Hebei province. When he found out that Beijing University Professor and Rights Protection movement (Wei Quan) activist He Weifang was scheduled to give a lecture in that court, he ordered the court to cancel

SHANGHAI 00000155 002 OF 002

the lecture immediately. Tong thought similar cancellations would likely occur again.

15. (C) Zhang noted that there were indications that Shanghai officials had not yet received instructions from Beijing on the speech. He said he recently discussed Luo's speech at an internal meeting of the Shanghai Communist Party's Political-Legal Committee. Local officials at the meeting were reluctant to discuss the speech and immediately changed the topic.

Remarks on Widespread Dissatisfaction

16. (C) According to Zhang, Luo admitted in the speech that there was widespread dissatisfaction among the common people. Luo said that in some districts, some people participated in mass dispute matters such as demonstrations. These people did not necessarily have any direct interest in the matters, but used them as a chance to express their pent-up dissatisfaction. He urged leaders to think deeply about these phenomena. Zhang said that as far as he could recall, this was the first time that a top leader admitted that there was widespread dissatisfaction in such a public way. This implied that the Central Government had realized the danger of the people's dissatisfaction and would take measures to tackle this issue.

17. (C) According to Xie, the speech indicated that the Central Government knew that there were wide-spread conflicts among different levels of society in China. There was no quick way to tackle this problem as the political system was the key cause of the conflicts and the CCP was reluctant to implement political reforms. Unless there was a change in the political system, these conflicts would not be eased anytime soon.

Positive Aspects

¶8. (C) Zhang and Xie noted that the speech had a few positive aspects. Zhang said that although the bulk of the speech was on how to amplify President Hu's "harmonious society" concept, Luo also emphasized the importance of equality and justice. Xie noted that Luo also mentioned the need for fairness in criminal trials and supported the balance between strictness and leniency in trials. In addition, Luo mentioned criminal law reforms, including bail. He saw this as a good sign that there might be progress in criminal legal procedures.

Continued Tight Control of Judiciary

¶9. (C) Tong was not as positive about the speech as Zhang and Xie. He noted that Luo said that there should be no people outside of the government's management "net." He saw this as a sign that the government would not lose its zeal to keep people under its control anytime soon. For example, the government was able to control lawyers and keep them obedient because all lawyers were required to pass annual inspection by the local judicial bureau to continue practicing. He believed that there would little progress on judicial reforms in the near future.

¶10. (SBU) This message was coordinated with Embassy Beijing.
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